IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re:	Application of:	Haeberle et al.
	Serial No.:	10/628,977
	Filed:	July 28, 2003
	For:	Method and System for Obtaining Service Information About One or More Building Sites
	Group Art Unit:	2179
	Confirmation No.:	7131
	Examiner:	Nicholas Augustine
	Our Docket No.:	2003P11247US (1867-0157)

BRIEF ON APPEAL

Sir:

    This is an appeal under 37 CFR § 1.191 to the Board of Patent Appeals and Interferences

of the United States Patent and Trademark Office from the final rejection of claims 22-23, 34

and 43-55 of the above-identified patent application. These claims were indicated as finally

rejected in an Office Action dated June 8, 2010. Authorization is hereby provided to charge the

fee of $540.00 to Deposit Account 13-0014. Also, please provide any extension of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

(1) REAL PARTY IN INTEREST

Siemens Building Technologies, Inc. is the owner of this patent application, and therefore are the real parties in interest.

(2) RELATED APPEALS AND INTERFERENCES

This application has been the subject of a previous appeal. The Board issued a Decision on Appeal on February 23, 2010, in which new grounds of rejection were raised.

(3) STATUS OF CLAIMS

Claims 22-23, 34 and 43-55 are pending in the application.

Claims 1-21, 24-33 and 35-42 have been canceled. Claims 22-23, 34 and 43-55 stand rejected and form the subject matter of this appeal. Claims 22-23, 34 and 43-55 are shown in the Appendix attached to this Appeal Brief.

(4) STATUS OF AMENDMENTS

Applicants filed a Response to Office Action dated February 21, 2007 ("Response") responsive to an Office Action dated December 11, 2006 and a Notice of Non-Compliant Amendment dated February 9, 2007. A final Office Action dated May 3, 2007 ("Final Office Action") was designated by the Examiner to be responsive to the Response. Applicants filed a

Response to the Final Office Action on May 14, 2007. The Examiner issued an Advisory Action on May 30, 2007. The Advisory Action entered the amendments, but the case remained in final rejection. Applicants filed a Pre-Appeal Request on August 3, 2007. The Examiner issued a Notice of Panel Decision on November 2, 2007 stating the claims are to remain rejected. The Applicants then filed an Appeal Brief on December 3, 2007. The Examiner issued a Non-Compliant Appeal Brief Notice on December 21, 2007. The Applicants then filed a Response to Non-Compliant Appeal Brief on January 22, 2008. The Examiner then issued a Decision on Appeal dated February 23, 2010 which affirmed the rejections of the Examiner. The Applicants then filed a Reply Brief on April 22, 2010. A final Office Action dated June 8, 2010 ("Second Final Action") was designated by the Examiner to be responsive to the April 22, 2010 Reply Brief. Applicants then filed a Response to Final Office Action on August 5, 2010. The Examiner issued an Advisory Action dated August 31, 2010 in response to the Response to Final Office. On October 8, 2010, the Applicants filed a Notice of Appeal in response to the Advisory Action.

(5) SUMMARY OF THE INVENTION

Claim 22 is directed to a computer implemented method for providing information relating to service activity for a plurality of building sites. The method includes providing a web portal comprising a database, and storing service related information about a plurality of building sites in the database, the web portable capable of being operatively connected to one or more clients. By way of non-limiting example, the web portal system 10 includes a customer web portal 48 of Fig. 1. As shown in Fig. 9, the customer web portal (CWP) 48 includes a system database 320. (Specification at p.37, lines 12-21). Service-related information, such as service contract information 326 and general service information 334 is stored in the database 320. (*Id.*

at p.38, lines 10-13). The database 320 is the system database (*Id.* at p.38, line 10), which contains information about a plurality of building sites. (*Id.* at p.21, lines 10-18; p.25, lines 9-12; p.40, lines 18-20).

Referring to claim 22, the method also includes storing service activity information for a plurality of service calls, storing for each of the plurality of calls a corresponding status of the service calls. By way of non-limiting example, database 18 including datamarts 52, 54 store service call ("work order") information. (*Id.* at p.8, lines 3-5, p.21 lines 13-20). The stored data includes data regarding status of service calls. (See *id.* and Fig. 10, element 404).

Referring again generally to claim 22, the method also includes receiving at the web portal a request for information about the status of service activity for one or more building sites from one or more clients. (See, e.g. *id.* at p.41, lines 4-9 and "display area 406" of Fig. 10). The method also includes determining at the customer web portal a plurality of service activities that are implicated by the request, and communicating from the web portal information implicated by the request such that the information is capable of being on a client display. (See, e.g., *id* at p.41, lines 6-10; p.45, lines 17-22).

The method of claim 22 further recites that the information communicated from the web portal is organized by cite and includes information identifying a quantity of service calls having an open status, and a quantity of service calls having a closed status. By way of example, display area 404 of Fig. 10 shows information organized by site (five different sites), including for each site a quantity of open calls and a quantity of closed calls.

Claim 23 is directed to a computer implemented method for providing information relating to service activity for a plurality of building sites. The method includes providing a web

portal comprising a database, and storing service related information about a plurality of building sites in the database, the web portable capable of being operatively connected to one or more clients. By way of non-limiting example, the web portal system 10 includes a customer web portal 48 of Fig. 1. As shown in Fig. 9, the customer web portal (CWP) 48 includes a system database 320. (Specification at p.37, lines 12-21). Service-related information, such as service contract information 326 and general service information 334 is stored in the database 320. (*Id.* at p.38, lines 10-13). The database 320 is the system database (*Id.* at p.38, line 10), which contains information about a plurality of building sites. (*Id.* at p.21, lines 10-18l; p.25, lines 9-12; p.40, lines 18-20).

Referring to claim 23, the method also includes storing service activity information for a plurality of service calls, storing for each of the plurality of calls a corresponding status of the service calls. By way of non-limiting example, database 18 including datamarts 52, 54 store service call ("work order") information. (*Id.* at p.8, lines 3-5, p.21 lines 13-20). The stored data includes data regarding status of service calls. (See *id.* and Fig. 10, element 404).

Referring again generally to claim 23, the method also includes receiving at the web portal a request for information about the status of service activity for one or more building sites from one or more clients. (See, e.g. *id.* at p.41, lines 4-9 and "display area 406 of Fig. 10). The method also includes determining at the customer web portal a plurality of service activities that are implicated by the request, and communicating from the web portal information implicated by the request such that the information is capable of being on a client display. (See, e.g., *id* at p.41, lines 6-10; p.45, lines 17-22).

The method of claim 23 further recites that the information communicated from the web portal is organized by system, includes information identifying a quantity of service calls for a

plurality of systems. By way of example, display area 402 of Fig. 10 shows information organized by system (*e.g.* fire, HVAC, mechanical security), including for each system a quantity of service calls.

Claim 34 is directed to a system that provides information relating to service activity for a plurality of building sites. The system includes a web portal comprising a database that stores service related information about a plurality of building sites. The web portal is capable of being connected to a plurality of clients. By way of non-limiting example, the web portal system 10 includes a customer web portal 48 of Fig. 1. As shown in Fig. 9, the customer web portal (CWP) 48 includes a system database 320. (Specification at p.37, lines 12-21). Service-related information, such as service contract information 326 and general service information 334 is stored in the database 320. (*Id.* at p.38, lines 10-13). The database 320 is the system database (*Id.* at p.38, line 10), which contains information about a plurality of building sites. (*Id.* at p.21, lines 10-18l; p.25, lines 9-12; p.40, lines 18-20).

Referring again generally to claim 34, the web portal is further capable of receiving at the web portal a request for information about the status of service activity for one or more building sites from one or more clients. (See, e.g. *id.* at p.41, lines 4-9 and "display area 406" of Fig. 10). The web portal is also capable of determining a plurality of service activities that are implicated by the request, and communicating information implicated by the request such that the information is capable of being on a client display. (See, e.g., *id* at p.41, lines 6-10; p.45, lines 17-22).

Claim 34 further recites that the information communicated from the web portal is organized by site and includes information identifying a quantity of service calls having an open

status, and a quantity of service calls having a closed status. By way of example, display area 404 of Fig. 10 shows information organized by site (five different sites), including for each site a quantity of open calls and a quantity of closed calls.

(6) ISSUES

Whether claims 22, 23, 32 and 43-55 are allegedly unpatentable over U.S. Patent Publication No. 2002/0143872 to Weiss et al. (hereinafter "Weiss") in view of U.S. Patent No. 6,721,689 to Markle (hereinafter "Markle"). The claims do not all stand or fall together.

(7) ARGUMENT

I.   THE UNPATENTABILITY REJECTIONS OVER WEISS AND MARKLE

There is a single rejection. Thus, this is a single subject heading. Discussions regarding individual claims are set forth below.

A.   The Claims Presented Herein Define Over the Rejections that were Affirmed in the Prior Appeal

In the Decision on Appeal issued February 23, 2010 ("Prior Appeal Decision"), the Board affirmed the Examiner's rejections, based on a reading of "service-related information" that was broader than that which the applicant intended and argued. (See Prior Appeal Decision at p.10) ("...we find that the claim term 'service-related information' may be broadly, but reasonably construed as *any* reports relating to fire, HVAC, mechanical and security systems within a building site.") (emphasis added).

In its prior Appeal, applicants had argued that "service-related information" meant

"maintenance, repair or other service-related information." (*Id.* at pp.3-4). None of the cited art teach or suggested the communication of such information. The Examiner had disagreed and advanced a broader reading of "service-related information". The Board agreed with the Examiner and sustained the rejection. (*Id.* at p.4).

In a post appeal amendment, the claims were amended to recite further details regarding the "service-related information", such as, for example in claims 22 and 34, storing and communicating data identifying "a quantity of service calls having an open status" and "a quantity of service calls having a closed status". Accordingly, unlike in the prior appeal, the claims are not distinguished solely on the limitation "service-related information". Instead, other grounds for reversal are advanced herein.

The amendments help clarify the kind of information made available through the web portal in the claimed methods and arrangements, and exemplify advantages inherent thereto. In particular, the quantity of calls having an open and closed status provides information to a user about a plurality of building sites and/or systems, and the status of work orders for each. This allows the user to assess the overall health of the various systems.

None of the prior art are concerned with providing service call (i.e. maintenance, repair) status information for a plurality of building sites in a cohesive manner as claimed. As will be discussed below, moreover, the new rejections of the claims do not recite a combination that arrives at the claims as amended.

B.   Claim 22 is Not Unpatentable Over Weiss and Markle

Claim 22 stands rejected as allegedly being rendered obvious over Weiss and Markle. As will be discussed below in detail, the proposed modification of Weiss does not arrive the

invention of amended claim 22. For example, neither Weiss nor Markle, either alone or in combination teach or suggest a feature "wherein said communicated service related information is organized by site, and includes information identifying a *quantity* of service calls having an open status, and information regarding a *quantity* of service calls having a closed status." Thus, the proposed combination cannot communicate such information as claimed in claim 22.

1.   Weiss Does Not Disclose Communicating
Service Related Information Including Information
<u>Identifying Quantities of Open and Closed Service Calls</u>

Weiss fails to disclose or suggest "communicating from said web portal information … identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status", as recited in claim 22. While Weiss does imply that the status of an individual service call may be monitored, Weiss does not teach or suggest that *quantity* information relating to service calls or service call status is tracked or communicated.

Specifically, Weiss mentions that the system 10 "…monitors performance and completion of any required physical provisioning based upon the Work Order data 8C". (Weiss at para. 0050). The monitoring of "completion of any required physical provisioning" arguably implies determining when a service call changes from open status to closed status. However, Weiss does not teach or suggest communication of information regarding a *quantity* of service calls having open status and a *quantity* of service calls having closed status. In other words, Weiss does not teach or suggest the ability to determine and communicate how many service calls are open, and how many service calls are closed. Weiss simply does not contemplate this feature, as it is unrelated to the goals of Weiss.

In the Second Final Action dated June 8, 2010, the Examiner has asserted that communication of the quantity of open and closed service calls is taught in paragraphs 48, 50 and 52 of Weiss. (Final Office Action at p.3). However, this is incorrect. These paragraphs do *not* teach this feature. The paragraphs that allegedly teach this limitation will be addressed individually.

In particular, paragraph 48 of Weiss reads as follows:

[0048] A Notification System 12 may also be used. The Notification System 12 is used to notify users and personnel of changes made through the control module 2. In the preferred embodiment, the Notification System 12 is an email server.

Nothing in the above quoted paragraph mentions anything about communicating anything related to service calls. Instead, the above-quoted paragraph merely discusses a generic notification system.

Paragraph 50 of Weiss is similarly deficient, and reads as follows:

[0050] In step 34, the control module 2 then triggers a work process, through interaction with Work Management System 10, to initiate the physical work relating to the provisioning of Services 4, 4A, 4B affected by the Quote data 8A. The control module 2 determines whether physical work must take place and, if so, it creates Work Order data 8C in a database shared with the Work Management System 10. In step 36, the Work Management System 10 directs the assignment of appropriate personnel and monitors performance and completion of any required physical provisioning based upon the Work Order data 8C. In step 38, the control module 2 interacts with the Work Management System 10 to confirm completion of the provisioning required by the Work Order data 6A. In step 40, the Work Management System 10 confirms whether required work has been completed.

Nothing in the above quoted paragraph mentions anything about determining or communicating a *quantity* of service calls, much less quantities of service calls having open and closed status. While, the above paragraph discusses that the status of an *individual* service call may be monitored, and may even be changed, the above paragraph does not discuss or contemplate obtaining and communicating information identifying *quantities* of service calls.

Paragraph 52 of Weiss also fails to teach the subject limitation of claim 22, and reads as follows:

[0052] In step 46, the control module 2 generates billing information for use by Business Management System 10. To this end, the control module 2 creates Billing data 8B in a database shared with Business Management System 10. Finally, the control module 2 interacts with the Notification System 12 to generate messages to be sent to all people affected by the provisioning changes. Thus, in step 48 messages are sent to users who are provided with information concerning the new services that have been provisioned. In addition, messages will be sent to internal service provider personnel to notify them of the provisioning changes. In the preferred embodiment, the Notification System 12 is an electronic mail server.

Nothing in the above quoted paragraph mentions anything about determining or communicating a *quantity* of service calls, much less quantities of service calls having open and closed status. The above paragraph discusses that "messages" can be sent to users with information about new services they have been provided. It does not mention anything about identifying a *quantity* of service calls, and certainly nothing about service calls having an "open status".

Thus, the Final Office Action has not identified any teaching in Weiss of "communicating from said web portal information … identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status", as recited in claim 22. Weiss fails to teach the generation of such information, and consequently fails to teach the communication of such information. Instead, Weiss merely teaches the communication of general information via e-mail.

2. <u>Markle Does Not Teach Communicating Service-Related Quantity Data</u>

Similarly, Markle fails to disclose or suggest "communicating from said web portal information … identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status", as recited in claim 22. It is noted

that the Final Office Action also does not allege that Markle teaches or suggests anything related to open and closed service call information. (Final Office Action at pp.3-4).

3. The Combination of Weiss and Markle Fail to Arrive at Invention

As a consequence, neither Weiss nor Markle, either alone or in combination, teach or suggest "communicating from said web portal information ... identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status", as recited in claim 22. Therefore, the proposed combination of Weiss and Markle does not arrive at the invention of claim 22. For at least this reason, the obviousness rejection of claim 22 should be withdrawn.

C. Claims 43-46, 48 and 49 are Not Argued Separately From Claim 22

Claims 43-46, 48 and 49 depend from claim 22 and are therefore allowable for at least the same reasons.

D. Claims 34 and 54-55 are Not Argued Separately From Claim 22

Claim 34 includes limitations similar to that of claim 22, discussed above. In particular, claim 34 recites:

web portal capable of communicating said service activity information implicated by said request such that said service activity information is capable of being displayed on a client display, said communicated service activity information including information capable of being displayed to *identify a quantity of service calls having an open status, and a quantity of service calls having a closed status.*

As discussed above, neither Weiss nor Markle teaches or suggests communicating information regarding the number of service calls having open and closed status. Accordingly, neither

reference communicates information capable of being displayed to identify the *quantity* of service calls having open and closed status. Accordingly, for reasons similar to those discussed above in connection with claim 22, it is respectfully submitted that the obviousness rejection of claim 34 is in error and should be withdrawn.

Moreover, claims 54-55 depend from claim 34 and are therefore allowable for at least the same reasons.

E.   Claims 23, 50, 51 and 53 are Argued Separately

Independent claim 23 is argued separately from claim 22 because claim 23 does not recite the communication of information representative of a plurality of service calls having an open status and a plurality of service calls having a closed status, as per claim 22.

Nevertheless, the proposed combination of Weiss and Markle also fails to arrive at the invention of claim 23. In particular, claim 23 recites the following limitation:

> wherein said communicated service related information is organized by system, and includes information identifying a quantity of service calls for each of a plurality of systems.

As discussed above in connection with claim 22, Weiss does not teach or suggest communicating any information identifying *quantities* of service *calls*. Markle certainly does not, and is not alleged to, teach the communication of such information. Moreover, while Weiss teaches the monitoring of service orders, it does not teach communicating information identifying a *quantity* of such service calls for a plurality of systems, as per claim 23.

In particular, in the rejection of claim 23 in the Second Final Action, the Examiner again alleged that paragraphs 48, 50 and 52 of Weiss teaches communicating information regarding a quantity of service calls for each of a plurality of systems. (Second Final Action at p.5).

However, as discussed above in detail, paragraphs 48, 50 and 52 do not teach or suggest communicating information for display identifying *quantities* of service calls for each of a plurality of systems.

Accordingly, for reasons similar to those discussed above in connection with claim 22, it is respectfully submitted that claim 23 is allowable over the prior art of record.

Claims 50-53 depend from claim 23 and are therefore allowable for at least the same reasons.

(8)   CONCLUSION

For all of the foregoing reasons, claims 22-23, 34 and 43-55 are not unpatentable over U.S. Patent Publication No. 2002/0143872 to Weiss et al. in view of U.S. Patent No. 6,721,689 to Markle. As a consequence, the Board of Appeals is respectfully requested to reverse the rejection of these claims.

Respectfully submitted,

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CLAIM APPENDIX

1-21.   (Canceled)

22.   A computer implemented method for providing information relating to service activity
for a plurality of building sites:

     providing a web portal comprising a database, and storing service related information
about a plurality of building sites in said database, said web portable capable of being operatively
connected to one or more clients;

     storing service activity information for a plurality of service calls, storing for each of the
plurality of calls a corresponding status of the service calls;

     receiving at said web portal a request for information about a status of service activity for
one or more building sites from one or more clients;

     determining at said customer web portal a plurality of service activities that are
implicated by said request; and

     communicating from said web portal information implicated by said request such that
said information is capable of being on a client display;

     wherein said communicated service related information is organized by site, and includes
information identifying a quantity of service calls having an open status, and information
regarding a quantity of service calls having a closed status.

23.   A computer implemented method for providing information relating to service activity for a
plurality of building sites:

     providing a web portal comprising a database, and storing service related information
about a plurality of building sites in said database, said web portable capable of being operatively
connected to one or more clients;

     storing service activity information for a plurality of service calls, storing for each of the
plurality of calls a corresponding status of the service calls;

     receiving at said web portal a request for information about a status of service activity for
one or more building sites from one or more clients;

     determining at said customer web portal a plurality of service activities that are
implicated by said request; and

communicating from said web portal information implicated by said request such that said information is capable of being on a client display;

wherein said communicated service related information is organized by system, and includes information identifying a quantity of service calls for each of a plurality of systems.

34. A system for providing information relating to service activity for a plurality of building sites comprising:

a web portal comprising a database for storing service activity for a plurality of building sites, said web portal capable of being connected to a plurality of clients and for receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients;

said web portal capable of determining a plurality of service activities that are implicated by said request, said web portal capable of communicating said service activity information implicated by said request such that said service activity information is capable of being displayed on a client display, said communicated service activity information including information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status; and

wherein said service related information communicated by said web portal is organized by site.

43. The method according to claim 22, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display.

44. The method according to claim 22, wherein said service activity information further comprises information relating to the type of service activity being provided.

45. The method according to claim 22, wherein said service activity information further comprises information about the type of system a service activity is being provided for.

46.   The method according to claim 22, wherein service activity information further comprises information about a call type of a service activity.

47.   The method according to claim 22, wherein service activity information further comprises information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and information regarding a quantity of service calls having a closed status for each of the plurality of sites.

48.   The method according to claim 22, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further information about an individual building site such that said information is capable of being displayed on a client display.

49.   The method according to claim 22, further comprising receiving a request from a client for information about an individual service order, and communicating said individual service order information such that said individual service order information is capable of being displayed on a client display.

50.   The method according to claim 23, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display.

51.   The method according to claim 50, wherein the further information further comprises information about a call type of the individual service activity.

52.   The method according to claim 23, wherein service activity information further comprises information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and information regarding a quantity of service calls having a closed status for each of the plurality of sites.

53.   The method according to claim 23, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further information about an individual building site such that said information is capable of being displayed on a client display.

54.   The system according to claim 34, wherein said web portal is capable of receiving a request for further information about an individual service activity and is capable of communicating said further information such that said information is capable of being displayed on a client display.

55.   The system according to claim 34, wherein the service activity information communicating by said web portal further comprises information relating to the type of service activity being provided.

EVIDENCE APPENDIX

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[NONE]

RELATED PROCEEDINGS APPENDIX

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/628,977	07/28/2003	Brad Haeberle	2003P11247US	7131

7590   02/23/2010

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INTELLECTUAL PROPERTY

MAR 1 - 2010

DUE DATE

EXAMINER
AUGUSTINE, NICHOLAS

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2179	

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02/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte BRAD HAEBERLE, MICHAEL DEHART,
KAREN WISNIEWSKI, and DOUG EMERY

_____

Appeal 2009-005329
Application 10/628,977[1]
Technology Center 2100

_____

Decided: February 23, 2010

_____

Before JEAN R. HOMERE, THU A. DANG, and STEPHEN C. SIU,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

I.   STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the
Examiner's final rejection of claims 13 through 16, 18 through 28, and 30
through 42. (App. Br. 2.)[2] Claims 1 through 12, 17, and 29 have been
cancelled. (*Id.*) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We affirm-in-part and enter a new ground of rejection.

Appellants' Invention

Appellants invented a method and system for allowing remote users
online access to service information for one or more building sites. (Spec. 1,
ll. 17-19.) In particular, the invention relates to enabling the remote users to
place online service requests and access works orders, service histories, and
service contract details. (*Id.*) According to Appellants, the claimed
invention not only facilitates the development of application programs for
building systems, but enables remote users to obtain timely analysis of data
from a building system without the need to maintain application programs or
a database at the building system site. (Spec. 19, ll. 1-4.)

Illustrative Claim

Independent claim 13 further illustrates the invention as follows:

13.   A computer implemented method for providing information
relating to service activity for a plurality of building sites:
    providing a web portal comprising a database, and storing
service related information about a plurality of building sites in said
database, said web portable capable of being operatively connected to
one or more clients;

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       receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients;

       determining at said customer web portal a plurality of service activities that are implicated by said request;

       communicating from said web portal information implicated by said request such that said information is capable of being on a client display.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

| Hunter | 6,363,422 B1 | Mar. 26, 2002 |

Rejection on Appeal

The Examiner rejects the claims on appeal as follows:

Claims 13 through 16, 18 through 28, and 30 through 42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Hunter.

Appellants' Contentions

Appellants contend that Hunter fails to disclose a web portal that stores and subsequently provides access to service-related information for a building site. (App. Br. 6.) In particular, Appellants argue that Hunter's disclosure of providing a user with operational data about a building control system does not teach service-related information. (*Id.*) Further, Appellants allege that Hunter's disclosure of status information about a system's state and history, including all supported power, environmental, security, health/safety equipment, and fire equipment, does not teach maintenance, repair, or other service-related information. (*Id.* at 7.) Additionally, Appellants contend that Hunter's disclosure of monitoring and controlling information refers only to normal building operations (e.g., temperature

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control, alarm monitoring, etc.) and does not teach maintenance, repair, or other service-related information. (*Id.* at 8.)

<p style="text-align:center">*Examiner's Findings and Conclusions*</p>

The Examiner finds that Hunter's disclosure of a client device that monitors a plurality of facilities and, further, utilizes various databases to store service information, teaches storing service-related information about a plurality of building sites in a database. (Ans. 8.) The Examiner also finds that Hunter's disclosure of a client device that monitors the status of services for a plurality of facilities teaches receiving at a web portal a request for information about a status of service activity for one or more building sites. (*Id.* at 8-9.) Additionally, the Examiner finds that "maintenance, repair, or similar activities" are not explicitly recited in independent claim 13 and, furthermore, Hunter's disclosure of a system for monitoring services for a plurality of facilities teaches determining a plurality of service activities implicated by a request. (*Id.* at 9.)

<p style="text-align:center">II. ISSUE</p>

Have Appellants shown that the Examiner erred in finding that Hunter anticipates independent claim 13? In particular, the issue turns on whether:

(a) Hunter teaches "storing service related information about a plurality of building sites in said database," as recited in independent claim 13;

(b) Hunter teaches "receiving at said web portal a request for information about a status of service activity for one or more building sites," as recited in independent claim 13; and

<p style="text-align:center">4</p>

(c)   Hunter teaches "determining…a plurality of service activities
that are implicated by said request," as recited in independent claim 13.

III. FINDINGS OF FACT

The following Findings of Fact ("FF") are shown by a preponderance
of the evidence.

Appellants' Specification

1.   The claimed invention provides "a customer web portal . . .
enabling external users to access reports, work orders, service histories and
service contract details that may be generated by applications operating on a
database or data mart." (Spec. 8, ll. 3-5.)

2.   According to Appellants' Figure 10, "the display area 418
allows a user to display service information based upon system types such as
fire, HVAC, mechanical, and security." (*Id.* at 43, ll. 10-11.) Additionally,
Appellants' Specification discloses that "a user may wish to obtain service
contract information about its HVAC systems, mechanical systems, fire
safety systems, and other types of systems used in a building site." (*Id.* at
51, ll. 11-14.)

Hunter

3.   Hunter generally relates to facilities management systems and,
in particular, to an integrated and networked system for facilities
management systems which is remotely operable through Internet protocols.
(Col. 1, ll. 6-9.)

4.   Hunter's Figure 1 depicts a semi-schematic block diagram of an
exemplary client device (10) which is configured to communicate with a
plurality of individual facility infrastructure apparatuses (14). (Col. 6. ll. 59-

63.) Hunter discloses that client system (10) may be connected to other client systems and, further, a control source, such as a server application or central database unit. (Col. 8, ll. 38-42.) Hunter discloses that each infrastructure apparatus (14) "might belong to one of four main categories of facilities management equipment; namely, power supply and distribution equipment, environmental control equipment, health/safety/fire monitoring equipment, and security monitoring equipment." (*Id.* at ll. 60-65.) In particular, when prompted by the server, the client system (10) is able to pass appropriate control variables to its supported equipment, or infrastructure apparatuses (14), thereby commanding each apparatus to perform a particular function, such as setting a thermostat to a particular temperature, turning on (or off) a heating, ventilating, and air condition ("HVAC") apparatus, cascading through a set of security cameras, raising (or lowing) ambient light levels, and the like. (Col. 6, ll. 17-23.)

     5.   Hunter's Figure 2 depicts an exemplary network server (30) that comprises an application architecture, or suite of programs, including a master operating or database engine (38), which carries out all of the response variable processing tasks and, further, is responsible for making a determination as to what action is appropriate in response to a monitoring indication by the client system (10). (Col. 12, ll. 11-12, 47-51.) Additionally, the database engine (38) maintains information about past actions taken, from a monitoring perspective. (*Id.* at ll. 54-56.) "[T]he server (30) also includes a service database (42) for collecting and storing periodic monitoring and control data provided by various client systems and reported to the server during each client's reporting period. The server stores the polling data in the service database (42) and is able to generate

various reports for the stored data for the facilities management system
users." (Col. 13, ll. 10-17.) Further, server (30) includes an operational
database (40) which is formatted for direct access and displays a web-
enabled spreadsheet application, preferably such as an Excel 97/98
spreadsheet, manufactured and sold by the Microsoft Corp. (*Id.* at ll. 31-35.)

IV. PRINCIPLES OF LAW

Claim Construction

"[T]he words of a claim 'are generally given their ordinary and
customary meaning." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed.
Cir. 2005) (en banc) (citations omitted). "[T]he ordinary and customary
meaning of a claim term is the meaning that the term would have to a person
of ordinary skill in the art in question at the time of the invention, i.e., as of
the effective filing date of the patent application." *Id.* at 1313.

"[T]he PTO gives claims their 'broadest reasonable interpretation.'"
In re Bigio, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211
F.3d 1367, 1372 (Fed. Cir. 2000)). "Moreover, limitations are not to be read
into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181,
1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir.
1989)). Our reviewing court has repeatedly warned against confining the
claims to specific embodiments described in the specification. *Phillips v.
AWH Corp.*, 415 F.3d at 1323.

Anticipation

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art
reference that discloses, either expressly or inherently, each limitation of a
claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm.*

Corp., 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg.*

Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1565 (Fed.

Cir. 1992)).

> Anticipation of a patent claim requires a finding that the claim
> at issue "reads on" a prior art reference. In other words, if
> granting patent protection on the disputed claim would allow
> the patentee to exclude the public from practicing the prior art,
> then that claim is anticipated, regardless of whether it also
> covers subject matter not in the prior art.

Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 1346 (Fed Cir. 1999)

(internal citation omitted).

Obviousness

"On appeal to the Board, an applicant can overcome a rejection [under

§ 103] by showing insufficient evidence of *prima facie* obviousness or by

rebutting the *prima facie* case with evidence of secondary indicia of

nonobviousness." *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)

(citation omitted).

> Section 103 forbids issuance of a patent when "the differences
> between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains."

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in

granting a patent based on the combination of elements found in the prior

art," and discussed circumstances in which a patent might be determined to

be obvious. *Id.* at 415 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12

(1966)). The Court reaffirmed principles based on its precedent that "[t]he

combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416. The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 415, 417.

      In identifying a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art teachings, the Examiner must show "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

V. ANALYSIS

Claim 13

      Independent claim 13 recites, in relevant parts:

> 1) storing service related information about a plurality of building sites in said database; 2) receiving at said web portal a request for information about a status of service activity for one or more building sites; and 3) determining…a plurality of service activities that are implicated by said request.

      We first consider the scope and meaning of the term "service-related information," which must be given the broadest reasonable interpretation consistent with Appellants' disclosure, as explained in *In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997):

> [T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification.

Id. at 1054. *See also In re Zletz*, 893 F.2d at 321 (stating that "claims must be interpreted as broadly as their terms reasonably allow."). Appellants' Specification states the following:

> [T]he display area (418) allows a user to display service information based upon system types such as fire, HVAC, mechanical, and security. . . .
> [A] user may wish to obtain service contract information about its HVAC systems, mechanical systems, fire safety systems, and other types of systems used in a building site.

(Spec. 43, ll. 10-11; Spec. 51, ll. 11-14; *see also* FF 2).

Additionally, the Summary of the Invention section of Appellants' Specification states the following:

> [A] customer web portal enabl[es] external users to access reports, work orders, service histories and service contract details that may be generated by applications operating on a database or data mart.

(Spec. 8, ll. 3-5; *see also* FF 1).

Upon reviewing Appellants' Specification, we find that the claim term "service-related information" may be broadly, but reasonably construed as any reports relating to fire, HVAC, mechanical, and security systems within a building site.

As detailed in the Findings of Fact section, Hunter discloses a facilities management system whereby a client device works in conjunction with a server, or central database unit, to control the infrastructure of designated facilities. (FF 3-4.) In particular, Hunter discloses that the client device commands the infrastructure components of each facility by sending appropriate control variables to the central database unit. (FF 4.) Further, Hunter discloses that the infrastructure components include temperature control, HVAC units, security cameras, and lighting. (*Id.*) We find that

Hunter's diselosure of a facilities management system teaches a client computer and central server, with a corresponding database, that monitors and controls a building's temperature, HVAC unit, security cameras, and lighting. Therefore, consistent with the broadest reasonable interpretation adopted above, the temperature control, HVAC units, security cameras, and lighting disclosed in Hunter amounts to service-related information.

Further, Hunter discloses that the central database unit includes an engine that processes tasks and stores information. (FF 5.) In particular, Hunter discloses that the central database unit is capable of generating reports containing the control data of each facilities infrastructure component. (*Id.*) Additionally, Hunter discloses that the central database unit provides these respective reports to corresponding users via each client device. (*Id.*) We find that Hunter's disclosure teaches that the central server stores information in various databases and provides reports to users via respective client computers. In particular, we find that Hunter's various databases store information pertaining to a building's temperature control, HVAC units, security cameras, and lighting and, therefore, teaches "storing service related information about a plurality of building sites in said database," as recited in independent claim 13. We also find that Hunter's disclosure teaches that when a respective user requests a report via a client computer, the central server retrieves the requested information from the corresponding database and transmits the report back to the client computer. Thus, we find that Hunter's cited disclosure teaches "receiving at said web portal a request for information about a status of service activity for one or more building sites," and "determining…a plurality of service activities that are implicated by said request," as recited in independent claim 13.

Alternatively, we note that Appellants cannot rely solely upon the content or type of the service-related information to patentably distinguish independent claim 13 over the prior art of record. The content or type of such information is non-functional descriptive material, which is not entitled to any patentable weight. *See In re Lowry*, 32 F.3d 1579, 1583 (Fed. Cir. 1994) ("Lowry does not claim merely the information content of a memory…. Nor does he seek to patent the content of information resident in a database."). *See also Ex parte Nehls*, 88 USPQ2d 1883, 1887-90 (BPAI 2008) (precedential); *Ex parte Curry*, 84 USPQ2d 1272 (BPAI 2005) (informative), *aff'd*, slip op. 06-1003 (Fed. Cir. June 2006) (Rule 36). It follows that Appellants have not shown that the Examiner erred in finding that Hunter anticipates independent claim 13.

Claims 14 and 26

Appellants contend that Hunter's disclosure of monitoring and controlling status information does not teach communicating information regarding a plurality of service activities implicated by a request and then receiving an additional request for further information on an individual service activity. (App. Br. 10-11.) Therefore, Appellants argue that Hunter does not teach "receiving a request from a client to display further information about an individual service activity," as recited in dependent claim 14. (*Id.*) We do not agree.

As set forth above, we find that Hunter's disclosure teaches that when a respective user requests a report via a client computer, the central server retrieves the requested information from the corresponding database and transmits the report back to the client computer. We also find that Hunter's disclosure teaches that the various databases store information pertaining to

a building's temperature control, HVAC units, security cameras, and lighting. In particular, we find that if a user can request a report concerning service-related information, the user can also request a report pertaining to an individual service activity regarding a building's temperature control, HVAC units, security cameras, and lighting. Thus, we find that Hunter's disclosure teaches the disputed limitation. It follows that Appellants have not shown that the Examiner erred in finding that Hunter anticipates dependent claim 14.

Appellants do not provide separate arguments for patentability with respect to dependent claim 26. Therefore, we select dependent claim 14 as representative of the cited claim. Consequently, Appellants have not shown error in the Examiner's rejection of dependent claim 26 for the reasons set forth in our discussion of dependent claim 14. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

Claims 15, 18 through 20, 25, 27, 30 through 32, and 37 through 42

Appellants do not provide separate arguments for patentability with respect to independent claim 25 and dependent claims 15, 18 through 20, 27, 30 through 32, and 37 through 42. Therefore, we select independent claim 13 as representative of the cited claims. Consequently, Appellants have not shown error in the Examiner's rejection of independent claim 25 and dependent claims 15, 18 through 20, 27, 30 through 32, and 37 through 42 for the reasons set forth in our discussion of independent claim 13. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

Claims 16 and 28

Appellants contend that Hunter's disclosure of monitoring and controlling status information does not teach obtaining service-related

information about the type of system that the service activity is being provided for. (App. Br. 11.) Further, Appellants argue that Hunter's disclosure of multiple client systems does not imply communicating to a client information regarding the type of system. (*Id.* at 11-12.) Therefore, Appellants allege that Hunter does not teach "said service activity information further comprises information about the type of system a service activity is being provided for," as recited in dependent claim 16. (*Id.*) We do not agree.

As set forth above, we find that Hunter's disclosure teaches storing information pertaining to a building's temperature control, HVAC units, security cameras, and lighting in various databases. In particular, we find that Hunter's disclosure of service-related information pertaining to a building's temperature control, HVAC units, security cameras, and lighting amounts to service-related information about the type of system that is receiving a service activity, e.g., HVAC, mechanical, and security. Thus, we find that Hunter's disclosure teaches the disputed limitation. It follows that Appellants have not shown that the Examiner erred in finding that Hunter anticipates dependent claim 16.

Appellants do not provide separate arguments for patentability with respect to dependent claim 28. Therefore, we select dependent claim 16 as representative of the cited claim. Consequently, Appellants have not shown error in the Examiner's rejection of dependent claim 28 for the reasons set forth in our discussion of dependent claim 16. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

Claims 21 and 33

Appellants contend that Hunter's disclosure of ordinary building control operations, such as setting the temperature, light levels, and security cameras, does not teach a "service order," as claimed. (App. Br. 12-13.) Therefore, Appellants argue that Hunter does not teach "receiving a request from a client for information about an individual service order," as recited in dependent claim 21. (*Id.*) We do not agree.

As set forth above, we find that Hunter's disclosure teaches that a user requests a report via a client computer and the central server transmits the report back to the client computer. We also find that Hunter's disclosure teaches that the various databases of the central server store information pertaining to a building's temperature control, HVAC units, security cameras, and lighting. In particular, we find that Hunter's disclosure of a user requesting a report concerning service-related information from a central server amounts to a user requesting an individual service order pertaining to a building's temperature control, HVAC units, security cameras, and lighting. Thus, we find that Hunter's disclosure teaches the disputed limitation.

Alternatively, we note that Appellants cannot rely solely upon the content or type of an information request pertaining to an individual service order to patentably distinguish dependent claim 21 over the prior art of record. The content or type of such information is non-functional descriptive material, which is not entitled to any patentable weight. *See In re Lowry*, 32 F.3d at 1583. It follows that Appellants have not shown that the Examiner erred in finding that Hunter anticipates independent claim 21.

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Appellants do not provide separate arguments for patentability with respect to dependent claim 33. Therefore, we select dependent claim 21 as representative of the cited claim. Consequently, Appellants have not shown error in the Examiner's rejection of dependent claim 33 for the reasons set forth in our discussion of dependent claim 21. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

Claims 22 through 24 and 34 through 36

Appellants contend that the Examiner's assertion of organizing data utilizing Microsoft Excel is irrelevant and, further, does not teach that communicated data is organized by "site," "system," or "type of service," as claimed. (App. Br. 14.) Therefore, Appellants argue that Hunter does not teach "wherein said communicated service related information is organized by site...system...[or] type of service," as recited in dependent claims 22 through 24. (*Id.*) We agree.

As detailed in the Findings of Fact section above, Hunter discloses utilizing a web-enabled spreadsheet application, such as an Excel 97/98 spreadsheet, to display information stored in the various databases. (FF 5.) We find that Hunter's disclosure teaches a Microsoft Excel spreadsheet that outputs data in a tabular fashion. However the cited disclosure falls short of teaching or suggesting that service-related data may be organized by site, system, or type of service. Although Hunter discloses a Microsoft Excel spreadsheet that outputs data in a tabular fashion, an ordinarily skilled artisan would view Hunter's disclosure as a mere suggestion that service-related data may be organized by site, system, or type of service. While such a suggestion might be adequate to show obviousness, it is insufficient to show anticipation. Absent a showing that Hunter expressly or inherently

describes organizing service-related data by site, system, or type of service, we find that the Examiner has improperly relied upon Hunter's disclosure to teach the disputed limitations. It follows that Appellants have shown that the Examiner erred in finding that Hunter anticipates dependent claims 22 through 24.

Because dependent claims 34 through 36 also recite the limitations discussed above, we find that Appellants have also shown error in the Examiner's rejection of these claims for the reasons set forth in our discussion of dependent claims 22 through 24.

VI. NEW GROUND OF REJECTION
35 U.S.C. § 103(a)

Dependent claims 22 through 24 recite, in relevant part, "wherein said communicated service related information is organized by site...system...[or] type of service."

As set forth above, we find that Hunter's disclosure teaches a Microsoft Excel spreadsheet that outputs data in a tabular fashion. (FF 5.) In particular, we find that an ordinarily skilled artisan would readily appreciate that Hunter's disclosure of a Microsoft Excel spreadsheet that outputs data in a tabular fashion may be utilized to organize service-related data by site, system, or type of service. Therefore, dependent claims 22 through 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunter.

Because dependent claims 34 through 36 also recite the limitations discussed above, we find that these claims are also unpatentable for the reasons set forth in our discussion of dependent claims 22 through 24.

VII. CONCLUSIONS OF LAW

1.   Appellants have not shown that the Examiner erred in rejecting claims 13 through 16, 18 through 21, 25 through 28, 30 through 33, and 37 through 42 as being anticipated under 35 U.S.C. § 102(a).

2.   Appellants have shown that the Examiner erred in rejecting claims 22 through 24 and 34 through 36 as being anticipated under 35 U.S.C. § 102(a).

3.   We have entered a new ground of rejection against claims 22 through 24 and 34 through 36 as being unpatentable under 35 U.S.C. § 103(a).

VIII. DECISION

1.   We affirm the Examiner's decision to reject claims 13 through 16, 18 through 21, 25 through 28, 30 through 33, and 37 through 42 as being anticipated under 35 U.S.C. § 102(a).

2.   We reverse the Examiner's decision to reject claims 22 through 24 and 34 through 36 as being anticipated under 35 U.S.C. § 102(a).

3.   We reject claims 22 through 24 and 34 through 36 as being unpatentable under 35 U.S.C. § 103(a).

37 C.F.R. § 41.50(b) provides that, "[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review."

37 C.F.R. § 41.50(b) also provides that the Appellants, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new grounds of

rejection to avoid termination of proceedings (37 C.F.R. § 1.197 (b)) as to

the rejected claims:

> (1) Reopen prosecution. Submit an appropriate amendment of the
> claims so rejected or new evidence relating to the claims so rejected,
> or both, and have the matter reconsidered by the examiner, in which
> event the proceeding will be remanded to the examiner ...
> (2) Request rehearing. Request that the proceeding be reheard under
> 37 C.F.R. § 41.52 by the Board upon the same record ...

No time period for taking any subsequent action in connection with this

appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2009).

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AFFIRMED-IN-PART
37 C.F.R. § 41.50(b)

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nhl

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